


**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

<b>WESTPORT INSURANCE CORPORATION</b>	:	<b>CIVIL ACTION</b>
	:	
	:	
v.	:	<b>NO. 20-1372</b>
	:	
<b>FRANK M. MCCLELLAN, et al.</b>	:	

**ORDER**

**AND NOW**, this 8<sup>th</sup> day of October 2020, upon considering the parties' cross-Motions for summary judgment (ECF Doc. Nos. 55, 58, 59), Responses (ECF Doc. Nos. 64, 65, 67, 69), and for reasons in the accompanying Memorandum, it is **ORDERED**:

1. Plaintiff's Motion for summary judgment (ECF Doc. No. 59) is:
  - a. **DENIED** as to its obligations to defend and indemnify Defendant McClellan in *Johnson v. Ashley*, No. ESX-L-71-17 (N.J. Super. Ct. Law Div. Esx. Cty.);
  - b. **GRANTED** as to its obligations to defend and indemnify Defendant McClellan in *Johnson v. McClellan*, No. MID-L-2366-19 (N.J. Super. Ct. Law Div. Mid. Cty.);
2. Defendant McClellan's Motion for summary judgment (ECF Doc. No. 58) is:
  - a. **GRANTED** in his favor declaring Plaintiff must provide the defense and indemnify him in *Johnson v. Ashley*, No. ESX-L-71-17 (N.J. Super. Ct. Law Div. Esx. Cty.);
  - b. **DENIED** as to the Plaintiff's obligations to defend or indemnify him in *Johnson v. McClellan*, No. MID-L-2366-19 (N.J. Super. Ct. Law Div. Mid. Cty.);
3. Defendant Johnson's Motion for summary judgment (ECF Doc. No. 55) is **DENIED**; and,
4. The Clerk of Court shall **close** this case.

  
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**KEARNEY, J.**